

# Notice of Allowability

Application No.

10/566,478

Examiner

Thomas F. Valone

Applicant(s)

NAGATA ET AL.

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 11/20/07.
2. ☒ The allowed claim(s) is/are 1,3-10 and 12-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |                                                                                                            |                                                                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                            | 9. <input type="checkbox"/> Other _____                                               |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Brooks on 12/10/07.

The application has been amended as follows:

- a) Claim 1 has been amended by deleting "or the moisture percentage" in line 10 and deleting "is determined" in line 13.
- b) Claim 1 has been further amended by replacing "wherein" with - - measuring - - in line 13.
- c) Claim 6 has been amended by deleting "or the moisture percentage" in line 13.

2. The following is an examiner's statement of reasons for allowance:

3. Regarding claim 1, a method of measuring moisture content using a microwave cavity resonator with two iris plates which are arranged perpendicular to and spaced along a tube axis of a wave guide, each iris plate having a hole located at a mid-point of the wave guide and with a slit in which a specimen is disposed being placed in a manner so as to cross the resonator portion; setting a measuring frequency in a predetermined range between 1 to 25 GHz; and measuring the moisture content of the specimen, based upon a difference in resonance peak level between cases when the

specimen is not present in the slit and the specimen is present in the slit; and measuring the moisture percentage of the specimen based upon a value obtained by dividing the difference in resonance peak levels between the presence and absence of the specimen by a difference in resonance frequency between the presence and absence of the specimen, has not been found in the prior art.

4. Regarding claim 6, a moisture content measuring device with a microwave cavity resonator that has two iris plates which are arranged perpendicular to and spaced along a tube axis of a wave guide, each iris plate having a hole located at a mid-point of the wave guide and with a slit in which a specimen is disposed being placed in a manner so as to cross the resonator portion; a microwave sweep oscillator which is connected to one of the pair of traveling wave portions and oscillates at a frequency in a predetermined range between 1 to 25 GHz; a microwave intensity receiver that is connected to the other of the pair of traveling wave portions; and a data processing device which, upon receipt of a signal from the microwave intensity receiver, detects a peak level, and determines the moisture content of a specimen based upon a difference in resonance peak level between cases when the specimen is not present in the slit and the specimen is present in the slit, wherein the data processing device further detects a resonance frequency upon receipt of a signal from the microwave intensity receiver and determines the moisture percentage of the specimen based upon a value obtained by dividing the difference in resonance peak level between the presence and absence of the specimen by a difference in resonance frequency, between the presence and absence of the specimen, has not been found in the prior art.

***Conclusion***

1. Acknowledgement is given for the amendments to the claims. As a result, the rejection of claims 1 and 6 under 35 USC 112-1<sup>st</sup> paragraph has been withdrawn.
2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas F. Valone whose telephone number is 571-272-8896. The examiner can normally be reached on 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

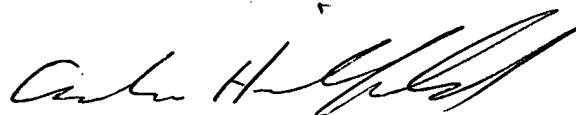
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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